



**CRM-M-36556-2025 (O&M) &
CRM-M-43922-2025 (O&M)**

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228+109 (2 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:- 30.10.2025

(1)

CRM-M-36556-2025 (O&M)

Mohammad Kaif @ Kaif

...Petitioner

Versus

State of Haryana

...Respondent

(2)

CRM-M-43922-2025 (O&M)

Javir @ Javed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Arav Gupta, Advocate
for petitioner in CRM-M-36556-2025.

Mr. Balraj Gujjar, Advocate
for petitioner in CRM-M-43922-2025.

Mr. Abhishek Yadav, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

CRM-42755-2025 in CRM-M-36556-2025

This is an application u/s 528 of Bharatiya Nagarik Suraksha
Sanhita, 2023 for placing on record Annexures P-10 and P-11.

For the reasons stated in the application, same is allowed.

Accompanying documents as Annexures P-10 & P-11 are taken on record,
subject to just exceptions.

Application is disposed of accordingly.



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CRM-42782-2025 in CRM-M-43922-2025

This is an application u/s 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record testimony of PW 1 i.e. victim No.1 dated 09.04.2025 & victim No.2 dated 04.10.2025 as Annexure P-5 and statement of father of victim i.e. PW-2 dated 04.10.2025 as Annexure P-6.

For the reasons stated in the application, same is allowed. Accompanying documents as Annexures P-5 & P-6 are taken on record, subject to just exceptions.

Application is disposed of accordingly.

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1. The petitioner – Mohammad Kaif alias Kaif has filed CRM-M-36556-2025 and petitioner Javir alias Javed has filed CRM-M-43922-2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.278 dated 06.07.2024 (Annexure P-1), under Sections 4, 6 and 18 of POCSO Act and Sections 140(3), 143(5), 96, 3(5), 351(3) of BNS 2023, registered at Police Station SGM Nagar, Faridabad, Haryana. Both these petitions have arisen out of same FIR, therefore, the same are taken up together for disposal.

2. As per facts of the case, complainant 'A B' alleged that his younger daughter 'R' developed friendship with 'M'. On 05.07.2024, at about 4:30 PM, both of them went for a walk in the park. The complainant reached home at about 7:30 PM and his mother disclosed that his daughter who had gone out for walk with 'M' has not returned home. They tried to locate her whereabouts but could not locate. On receiving a call from his wife, they went to Faridabad Mall but could not locate them. He along with



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his wife went to the house of another girl who showed photograph of his daughter with a boy namely Rohit. Thereafter they met another lady namely Sana who disclosed that their daughter 'R' and 'M' were taken away by Rohit and Aman with whom they were friendly. Said Sana, called Rohit on phone. Rohit and Aman reached there from home. They again enquired about the girls. Later Sana disclosed that both the girls can be located at the house of Gungun. They along with police reached at the house of Gungun from where their daughter 'R' and her friend 'M' were recovered. They were brought back home. Later on, the girls disclosed that on the said day, both of them were taken by Aman and Rohit to Sidharth Ashram in Faridabad. Another person Javed also reached there. They took them to Hotel OYO near Ankhor. Said Javed and Aman tried to commit forcible sex with 'R'. She tried to rescue herself, both Javed and Aman threatened to kill her. The another girl 'M' disclosed that another boy Rohit established forcible physical relations with her. Javed and Rohit went back on a bike. Aman brought both the girls to Chinnibike Dharamshala where he had called another boy namely Kaif. Both the boys took both the girls to the house of Gungun. The another boy Kaif also tried to have sex with her daughter 'R' but she raised alarm. Said Kaif and Aman ran away from there. Said Gungun was talking about selling both the girls by taking them to Madhya Pradesh and finally, both the girls were recovered. With these allegations, present FIR has been registered.

3. Learned counsel representing petitioner - Mohammad Kaif alias Kaif in CRM-M-36556-2025 argued that allegations levelled against him are false. He was arrested in this case on 08.07.2024 and till date, he is behind the bars. After the presentation of challan, statement of victim 'M' is



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recorded as PW-1 (Annexure P-4), where she did not support the prosecution case and was declared hostile. Statement of another victim 'R' was also recorded as PW-1 (Annexure P-10), even she did not support the prosecution case and was declared hostile. Statement of father of the victim 'R' recorded as PW-2 is Annexure P-11, even he did not support the prosecution case and was declared hostile. The material witnesses have been examined who did not support the allegations. Petitioner is behind the bars. He is ready to abide by the terms of bail order.

4. Learned counsel for petitioner-Javir alias Javed in CRM-M-43922-2025 argued on similar lines and have also relied upon the testimonies of both the victims as well as complainant examined during the trial who have not supported the allegations. This petitioner is also behind the bars since 27.10.2024. He is also ready to abide by the terms of bail order.

5. Status report is filed in both the cases. The allegations detailed in the FIR are reiterated. MLR of both the victims are also annexed as Annexure R-1 and R-2. Their statements recorded under Section 183 BNSS are Annexure R-3 and R-4. Present petitioners along with co-accused were chargesheeted on 06.06.2025. Copy of chargesheet is Annexure R-6. It is confirmed that statements of both the victims have been recorded. As per the report of Regional Forensic Science Laboratory (Annexure R-9), semen could not be detected on the vaginal swabs. However, it is pointed out that both the victims were minor. They were kidnapped for sexual exploitation and there was intention to further sell them to far away places. Therefore, considering the gravity of offense, both the petitioners are not entitled to be released on regular bail.



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6. I have considered the arguments and have gone through the record carefully. As referred above, there are serious allegations. Mohammad Kaif alias Kaif was arrested on 08.07.2024 whereas Javir alias Javed was arrested on 27.10.2024. Till date both petitioners are behind the bars. On completion of investigation, challan was presented in the Court on 18.09.2024. Charges were framed and at present the case is pending for prosecution evidence. It is matter of record that both the victims as well as the complainant have been examined in the Court where they have not supported the prosecution case. Other witnesses are yet to be examined. Trial in this case may take long time. The entire evidence and the record will be appreciated by learned trial Court at appropriate stage.

In the light of aforesaid factual position, without going on the merits of the case, regular bail petition filed by petitioner Mohammad Kaif @ Kaif in CRM-M-36556-2025 and Javir alias Javed in CRM-M-43922-2025 are allowed. They are ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

10. Photocopy of this order be placed on the file of connected case mentioned above.

30.10.2025
Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No